

AGENDA

REGULAR CITY COUNCIL MEETING

September 26, 2011

5:30 p.m.

CITY HALL COUNCIL CHAMBER

313 COURT STREET

THE DALLES, OREGON

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. PRESENTATIONS/PROCLAMATIONS
 - A. World Habitat Day Proclamation
 - B. Oregon Days of Culture Proclamation
 - C. Presentation of Flag from 3rd Battalion, 116th Cavalry Brigade, A Company
 - D. Presentation Regarding Oregon Department of Forestry's Project to Update Forest Lands Classifications Within Wasco County
6. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Five minutes per person will be allowed. If a response by the City is requested, the speaker will be referred to the City Manager for further action. The issue may appear on a future meeting agenda for City Council consideration.
7. CITY MANAGER REPORT
8. CITY ATTORNEY REPORT

CITY OF THE DALLES

"By working together, we will provide services that enhance the vitality of The Dalles"

9. CITY COUNCIL REPORTS

10. CONSENT AGENDA

Items of a routine and non-controversial nature are placed on the Consent Agenda to allow the City Council to spend its time and energy on the important items and issues. Any Councilor may request an item be "pulled" from the Consent Agenda and be considered separately. Items pulled from the Consent Agenda will be placed on the Agenda at the end of the "Action Items" section.

A. Approval of September 12, 2011 Regular City Council Meeting Minutes

11. DISCUSSION ITEMS

A. One Year Review of 2010 Transportation Systems Development Charge Credits
[Agenda Staff Report #11-086]

12. EXECUTIVE SESSION

A. Recess to Executive Session in Accordance With ORS 192.660 (2) (e) to Conduct Deliberations With Persons Designated by the Governing Body to Negotiate Real Property Transactions

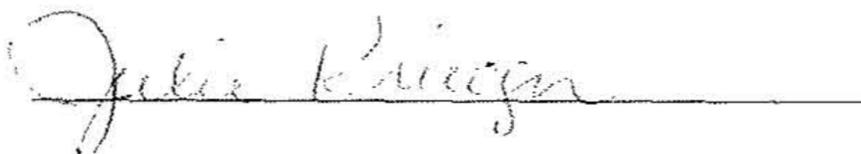
B. Reconvene to Open Session

13. DECISIONS FOLLOWING EXECUTIVE SESSION

14. ADJOURNMENT

This meeting conducted in a handicap accessible room.

Prepared by/
Julie Krueger, MMC
City Clerk



PROCLAMATION

WHEREAS, The Dalles Area Habitat for Humanity was established in 1993; and

WHEREAS, The Dalles Area Habitat for Humanity has advocated for neighborhood revitalization and secure tenure; which is being celebrated on World Habitat Day of 2011; and

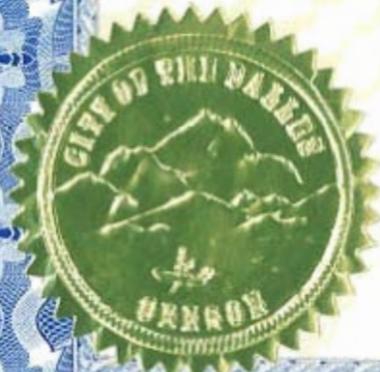
WHEREAS, The Dalles Area Habitat for Humanity will continue to address the lack of decent housing around the world and the need for affordable housing in the Mid-Columbia Area;

NOW, THEREFORE, I, James L. Wilcox , Mayor of The Dalles hereby proclaim October 4, 2011, as

“World Habitat Day”

in The Dalles, and urge the citizens to celebrate and participate in local events, including an informational booth and potluck on October 4th to honor the group’s achievements and all the people who have worked so hard locally.

SIGNED and DATED this 26th Day of September, 2011



SIGNED: _____

James L. Wilcox, Mayor

ATTEST: _____

Julie Krueger, MMC, City Clerk

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PROCLAMATION

WHEREAS, Oregon's arts, heritage and humanities nonprofits - museums, libraries, theaters, historical societies, art centers and heritage sites are the heart of our communities;; and

WHEREAS, culture draws us together in common purpose, understanding and celebration; and

WHEREAS, supporting culture, by giving to cultural nonprofits and to the Oregon Cultural Trust is vital to preserving the past, sustaining the present and creating the future; and

WHEREAS, the Oregon Days of Culture, October 1 - 8, encourages Oregonians to celebrate, participate and give to Oregon culture;

NOW, THEREFORE, I, James L. Wilcox, Mayor of the City of The Dalles, proclaim October 1 through 8, 2011 as

“OREGON DAYS OF CULTURE”

in the City of The Dalles and call upon our citizens to participate in Oregon culture, celebrate its vibrancy and depth and give to the arts, heritage and humanities to ensure their future vitality.

APPROVED AND DATED THIS 26th DAY OF SEPTEMBER, 2011

SIGNED:

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk



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AGENDA STAFF REPORT
CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
September 26, 2011	Consent Agenda 10, A	N/A

TO: Honorable Mayor and City Council

FROM: Julie Krueger, MMC, City Clerk 

THRU: Nolan K. Young, City Manager

DATE: September 14, 2011

ISSUE: Approving items on the Consent Agenda and authorizing City staff to sign contract documents.

A. **ITEM:** Approval of September 12, 2011 Regular City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the September 12, 2011 regular City Council meeting have been prepared and are submitted for review and approval.

RECOMMENDATION: That City Council review and approve the minutes of the September 12, 2011 regular City Council meeting.

MINUTES

REGULAR COUNCIL MEETING
OF
SEPTEMBER 12, 2011
5:30 P.M.
CITY HALL COUNCIL CHAMBER
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor pro-tem Brian Ahier

COUNCIL PRESENT: Bill Dick, Carolyn Wood, Tim McGlothlin

COUNCIL ABSENT: Mayor Jim Wilcox, Dan Spatz

STAFF PRESENT: City Attorney Gene Parker, City Clerk Julie Krueger, Community Development Director Dan Durow, Public Works Director Dave Anderson, Airport Managers Chuck Covert and Jim Broehl, Police Captain Ed Goodman, Finance Director Kate Mast, Administrative Fellow Cooper Whitman

CALL TO ORDER

Mayor pro-tem Ahier called the meeting to order at 5:30 p.m.

ROLL CALL

Roll call was conducted by City Clerk Krueger; Mayor Wilcox and Councilor Spatz absent.

PLEDGE OF ALLEGIANCE

Mayor pro-tem Ahier invited the audience to join in the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Wood and seconded by McGlothlin to approve the Agenda as presented. The motion carried unanimously, Spatz absent.

PRESENTATIONS/PROCLAMATIONS

Memorial Tribute for Albert Brown

Mayor pro-tem Ahier read a Memorial Tribute for Albert Brown, World War II veteran and last known survivor of the Bataan Death March. Local citizen and Mr. Brown's family, Robert Brown Sr., Robert Brown Jr., and Kathy McBride, were in attendance to receive the Tribute.

Presentation to Community Development Department

Councilor Wood presented a 1926 Sandborn Map book to Community Development Director Dan Durow. She said the maps were used in the insurance industry. Durow thanked Wood for the map book and said it would be helpful to staff when researching historical information about the community.

AUDIENCE PARTICIPATION

Ray Clough, 208 Sixth Avenue, Dallesport, Washington, questioned if the City Council had read the ConnectOregon III Grant that they had authorized the City Manager to sign for the Airport Runway Project. Mr. Clough said he was surprised at what was written in the document. He said the City Council should know that the Sundoon development and Linda Rose had no money to proceed with development of a golf course and that Ms. Rose had gone bankrupt and lost her home in 2008. Clough said it was disturbing to see that the environmental impact study had been paid for by Klickitat County instead of the Developer.

Casey Cross, 503 West Third Place, The Dalles, said he had concerns about a portion of property adjacent to his, along Mill Creek. He said the Parks and Recreation District was planning to work with the City to work out a solution where he could have that property in order to secure the rest of his property against vagrants. Mr. Cross said there were so many vagrants in the area that it was becoming a nuisance, cigarettes being tossed into the tall grass, nude people walking along the creek, and people coming into his yard area. Cross said his family did not feel safe living there and asked that the City work with him to help resolve the property issue so he could make his property safe for his family.

City Attorney Parker was directed to work with Mr. Cross regarding the property issue.

CITY ATTORNEY REPORT

City Attorney Parker said he was working with the Police Department and interested parties to revise the proposed second hand dealer ordinance and continued to work on the yard sale sign issues. He said he hoped to bring both issues for further Council consideration in October.

CITY COUNCIL REPORTS

Mayor pro-tem Ahier reported he had attended the 911 Memorial Service and it had been an excellent event. He said the memorial piece was now on display at the Fire Station and encouraged people to stop by and take a look at it.

Councilor McGlothlin reported on recent Traffic Safety Commission activity, noting the parking had been improved at the intersection of 12th and Oregon Streets; 10th Street improvements had been completed; and there was continuing discussion regarding the signs in the round about; left turn issues at Holsteins was being reviewed; and there were still concerns regarding traffic at the Sixth Street triangle area.

CONSENT AGENDA

It was moved by Wood and seconded by Dick to approve the Consent Agenda as presented. The motion carried unanimously, Spatz absent.

Items approved by Consent Agenda were: approval of July 25, 2011 regular City Council meeting minutes; 2) approval of August 8, 2011 special City Council meeting minutes; and 3) approval of August 26, 2011 special City Council meeting minutes.

PUBLIC HEARINGS

Public Hearing to Receive Testimony Regarding Proposed Water Rates

Mayor pro-tem Ahier reviewed the procedures to be followed for the public hearing.

Public Works Director Dave Anderson reviewed the staff report. He noted some reasons for maintaining the 10,000 gallon base included the fact that a very high percentage of the costs of the water system were fixed and the main cost was not tied to treating water beyond the base. He said it was also a way to keep the water fund more stable and have predictable revenues.

Anderson noted that while there were currently no large metered users on the system, he did calculate systems development charges for eight, ten, and 12 inch meters to address any future

large users. Anderson said the calculations were based on the same formula as the other charges in place.

Testimony

Bob McNary, 1525 East Ninth Street, The Dalles, said he worked with the Fellowship of Churches and was concerned that the elderly may not be able to pay higher water bills. He said a senior citizen rate should be considered.

Barbara Pashek, 1332 West 10th Street, The Dalles asked if the increases would be applied to both residential and commercial customers. Public Works Director Anderson said it would be applied to all customers.

Pashek said a senior citizen rate was a good idea. She also expressed concern that landlords would expect renters to pay for higher water bills.

Jim Broehl, 318 West 12th Street, The Dalles, said the 10,000 gallon base had been established to provide enough water for residents to water their lawns. He said the primary cost of the water was in delivering it to the customers, not for the volume of water. Broehl said instead of a senior rate, the Council should consider a low income rate because there were many low income residents that were not senior citizens.

Hearing no further testimony, the public hearing was closed.

Council Deliberation

Mayor pro-tem Ahier said he could not support an additional 4% rate increase on top of the recently implemented 6% increase. He said he did support a reduced base of approximately 8,000 gallons, which would provide an additional 1% in revenue. Ahier said the over base charges were very inexpensive and did not keep people from watering their lawns. He suggested the increases be based on the over base consumption instead of the entire water bill. Ahier said he did support a discount program for low income or senior residents.

Public Works Director Anderson said the City did have a low income program in place and it was administered by the Community Action Program (CAP).

Councilor Wood said there were many senior citizens who could afford the water rates and would prefer to call a discount program low income, not just for seniors. She said it was the City's responsibility to maintain the water system and infrastructure so everyone would continue to receive the service. Wood said she was supportive of keeping the 10,000 gallon base and was

willing to approve an additional 4% increase in order to stay on track with funding needed to complete the projects outlined in the Master Plan.

Ahier asked the status of the current cycle of increases in the Master Plan. Public Works Director Anderson said the current plan was adopted in 2006 and the increases were identified as 10% for years 2007, 2008, 2009, and 2010; 6% for year 2011; and 4% for years 2012, 2013, 2014, and 2015.

Anderson said some of the reason for the shortfall in funding included conservation measured, more efficient fixtures, and a lower rate of growth than anticipated. He said some projects had to be completed that had not been included in the original project list in order to comply with new and changing regulations.

Councilor McGlothlin asked if there might be some cost savings on the expenditure side of the water fund. Public Works Director Anderson said the staff always monitored the expenditures. McGlothlin said he was open to all options presented by staff and through testimony.

Councilor Dick said he was pleased to learn the City already had a low income program in place. He said due to the high fixed costs of water production, he supported leaving the base at 10,000 gallons and would also support consideration of an increase on the over base costs.

McGlothlin asked what would happen if the City did not comply with all the federal mandates. Anderson said noncompliance with water quality mandates could create very large fines for the City.

Ahier said the Master Plan was well done, he just could not support an additional 4% increase this year for the water rates, saying he didn't feel it was an urgent matter. He asked that a more measured approach be taken and asked for information regarding revenue projections for the volume charges and information regarding the ratio between the base and volume charges.

Anderson said he would provide additional information regarding the amount the volume rate would need to be to keep the base at its current rate and still meet the needs outlined in the Master Plan.

Councilor Dick noted that increases could also have a negative impact on businesses and said he hoped citizens would continue to have enough water to irrigate the trees in the community.

MINUTES (Continued)
Regular Council Meeting
September 12, 2011
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CONTRACT REVIEW BOARD ACTIONS

Award Contract for Runway 12-30 Rehabilitation North at Columbia Gorge Regional Airport

The staff report was reviewed by Airport Manager Chuck Covert.

It was moved by Wood and seconded by Dick to award the runway 12-30 rehabilitation project to Granite Construction in the amount of \$3,295,929.56. The motion carried unanimously, Spatz absent.

ACTION ITEMS

General Ordinance No. 11-1315 Amending Section 5.050.050 of General Ordinance No. 98-1222 Regarding Development Standards Regarding Height of Buildings in the Central Business Commercial District

The staff report was reviewed by City Attorney Parker.

City Clerk Krueger read General Ordinance No. 11-1315 by title.

It was moved by McGlothlin and seconded by Wood to adopt General Ordinance No. 11-1315 amending Section 5.050.050 of General Ordinance No. 98-1222 regarding development standards regarding height of buildings in the Central Business Commercial District, by title. The motion carried unanimously, Spatz absent.

ADJOURNMENT

Being no further business, the meeting adjourned at 6:55 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk



CITY OF THE DALLES
Department of Public Works
1215 West First Street
The Dalles, Oregon 97058

AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
September 26, 2011	Discussion Item 11, A	11-086

TO: Honorable Mayor and City Council

FROM: Dave Anderson, Public Works Director

THRU: Nolan K. Young, City Manager

DATE: September 9, 2011

**ISSUE: ONE-YEAR REVIEW OF 2010 TRANSPORTATION SYSTEM
DEVELOPMENT CHARGE CREDITS**

RELATED CITY COUNCIL GOALS: NA

PREVIOUS AGENDA REPORT NUMBERS: 10-038; 10-055

BACKGROUND: The City Council adopted General Ordinance No. 10-1305 (copy attached) on July 12, 2010. That General Ordinance provided additional credits towards Transportation System Development Charges (SDCs) in an effort to encourage economic development within the City consistent with recommendations from the Transportation SDC Work Group formed to study the issue. The General Ordinance also required that the City Council evaluate the implementation of new credits within one year, and that any changes to the SDC credits authorized in the General Ordinance be enacted by ordinance adopted by City Council. This report summarizes information related to new non-residential development or re-development applications received since the adoption of General Ordinance No. 10-1305 and associated Transportation SDCs.

Between July 12, 2010 and August 31, 2011, 26 non-residential building permit applications were received by the City's Community Development Department for developments totaling \$11,730,241 in value. Fifteen of those 26 applications received assessments for Transportation SDCs and 10 of the 15 assessed qualified for additional credits provided under General Ordinance No. 10-1305 for some or all of the proposed development. The total amount of

Transportation SDCs assessed over this period of time after credits were applied was \$300,302.06; the credits provided under General Ordinance No. 10-1305 totaled \$68,241.93. All of the credits provided were at the 50% level except one that was for 100%.

Staff is not aware of any potential applicants that expressed interest in initiating a development during this period of time but decided not to proceed due to SDC charges.

BUDGET ALLOCATION: None at this time – Discussion Item only.

ALTERNATIVES: Provide direction to staff regarding any desired revisions to the Transportation SDC credits.

COPY

AN ORDINANCE AMENDING SECTION 6 OF GENERAL ORDINANCE NO. 07-1286 TO ESTABLISH ADDITIONAL CREDITS TOWARDS THE TRANSPORTATION SYSTEM DEVELOPMENT CHARGES APPLICABLE AT THE TIME OF APPLICATION FOR A BUILDING PERMIT

WHEREAS, on November 13, 2007, the City Council adopted General Ordinance No. 07-1286, imposing Transportation System Development Charges on new development applicable at the time of application for a building permit; and

WHEREAS, on April 26, 2010, the City Council directed staff to form a Work Group to evaluate the potential impacts of the City's current Transportation System Development Charges on growth and development in the community, particularly any impact related to local businesses which desired to expand or relocate; and

WHEREAS, on June 14, 2010, the Transportation SDC Work Group presented a report to the City Council, including six specific recommendations related to the City's Transportation SDC's; and

WHEREAS, the rationale for the Work Group's recommendations included the following reasons: to provide incentives for businesses to relocate and/or expand within the City and facilitate the filling of existing vacant buildings within the City, with an emphasis on the Downtown Commercial District (CBC Zone); to reduce the costs of expansion for existing businesses which have been in the City for a minimum of two years, including businesses who seek to relocate to a new site involving the construction of new facilities; and to provide incentives to encourage new small scale developments, primarily by small businesses, to locate within The Dalles; and

WHEREAS, following the presentation of the report by the Transportation SDC Work Group to the City Council on June 14, 2010, the Council directed staff to prepare an ordinance implementing the Work Group's recommendations, for the Council's consideration at the July 12, 2010, Council meeting; and

WHEREAS, the City Council provided an opportunity for additional public testimony at the July 12, 2010, Council meeting, concerning the proposed ordinance to implement the recommendations submitted by the Transportation SDC Work Group; and

WHEREAS, based upon the comments and testimony provided by the Transportation SDC Work Group during the presentation of its report on June 14, 2010, and additional public testimony and comment received during the July 12, 2010 Council meeting, the City Council finds that adoption of the recommendations submitted by the Transportation SDC Work Group will have a positive and stimulating effect upon growth and development in the community, particularly for local businesses which desire to expand or relocate in The Dalles, and that adoption of General Ordinance No. 10-1035 is in the best interest of the health and welfare of the community;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES
ORDAINS AS FOLLOWS:**

Section 1. Section 6 of General Ordinance No. 07-1286, shall be amended by adding new subsections, 6(A), 6(A)(1), 6(A)(2), and 6(A)(3), which new subsections shall read as follows:

Section 6(A). Additional SDC Credits. In addition to the credits provided for in Section 6 of this Ordinance, the City shall grant the following additional credits against the City's SDC which is otherwise assessed for the following types of New Development:

- A. For New Development involving the re-use or redevelopment of an existing building, including an expansion of an existing vacant building, upon a parcel of property located within the Downtown Commercial District (CBC Zone). For an expansion to qualify for this credit, it cannot exceed fifty percent (50%) of the size of the existing footprint of the building, and the size of the expansion cannot exceed 5,000 square feet. Verification that the proposed expansion qualifies with the size restrictions set forth in this subsection shall occur at the time the applicant submits an application for a building permit. The amount of the credit shall be equivalent to one hundred percent (100%) of the proposed Transportation SDC.
- B. For New Development involving the re-use or redevelopment of an existing building, including an expansion of an existing vacant building, upon a parcel of property located within any zoning district within the City limits other than the Downtown Commercial District (CBC Zone). For an expansion to qualify for this credit, it cannot exceed fifty percent (50%) of the size of the existing footprint of the building, and the size of the expansion cannot exceed 5,000 square feet. Verification that the proposed expansion qualifies with the size restrictions set forth in this subsection shall occur at the time the applicant submits an application for a building permit. The amount of the credit shall be equivalent to seventy-five percent (75%) of the net amount of the proposed Transportation SDC, which net amount is determined by applying any other credits against the Transportation SDC to which the applicant would be entitled .
- C. For New Development involving expansion of an existing business through new construction on the current site of the business, upon a parcel of property located within any zoning district within the City limits. To qualify for this credit, the existing business must have been in operation in The Dalles for a minimum of two years. Verification that the existing business complies with the minimum requirement for years of operation shall occur at the time the applicant submits an application for a building permit. The amount of the credit shall be equivalent to fifty percent (50%) of the net amount of the proposed Transportation SDC, which net amount is determined by applying any other credits against the Transportation SDC to which the applicant would be entitled.

- D. For New Development involving the relocation of an existing business in the City to a new site with construction of new facilities, upon a parcel of property located within any zoning district within the City limits. To qualify for this credit, the existing business must have been in operation in The Dalles for a minimum of two years. Verification that the existing business complies with the minimum requirement for years of operation shall occur at the time the applicant submits an application for a building permit. The amount of the credit shall be equivalent to fifty percent (50%) of the net amount of the proposed Transportation SDC, which net amount is determined by applying any other credits against the Transportation SDC to which the applicant would be entitled.
- E. For New Development involving construction of a development which creates employment for ten (10) persons or less, and involves construction of a new facility which is limited in size to 5,000 square feet or less, upon a parcel of property located within any zoning district within the City limits. Verification that the New Development has complied with the eligibility requirements for the number of employees set forth in this subsection shall occur six (6) months after the date when the New Development opened for business. The amount of the credit shall be equivalent to seventy-five percent (75%) of the net amount of the proposed Transportation SDC, which net amount is determined by applying any other credits against the Transportation SDC to which the applicant would be entitled.
- F. For New Development involving construction of a development which creates employment for twenty (20) persons or less, and involves construction of a new facility which is limited in size to 10,000 square feet or less, upon a parcel of property located within any zoning district within the City limits. Verification that the New Development has complied with the eligibility requirements for the number of employees set forth in this subsection shall occur six (6) months after the date when the New Development opened for business. The amount of the credit shall be equivalent to fifty percent (50%) of the net amount of the proposed Transportation SDC, which net amount is determined by applying any other credits against the Transportation SDC to which the applicant would be entitled.

Section 6(A)(1). Relationship to Transportation System Development Charge for Chenowith IAMP. The credits established under Section 6(A) of this Ordinance shall not be applicable to reduce the amount of the Transportation System Development Charges imposed for the Chenowith Interchange Area Management Plan.

Section 6(A)(2). Appeal of Adverse Decision Concerning Credit Eligibility. Any applicant who desires to appeal an adverse determination of the Administrator or the City Manager concerning the applicant's eligibility for any of the credits listed in Section 6(A) of this ordinance, may appeal that decision to the City Council under the process set forth in Section 11(C) of this ordinance.

Section 6(A)(3). Review of Credits; Modification. Within one year from adoption of this Ordinance, the City Council shall evaluate the implementation of the credits established by this Ordinance. Any increase, decrease, or termination of any of the credits at the time of this one year review, or at any future time, shall be enacted by an ordinance adopted by the City Council.

Section 2. Section 11(C)(2) of General Ordinance No. 07-1286 shall be amended by revising the last sentence in this Section to read as follows:

Such hearing shall be held within twenty-one (21) days of the date the appeal was filed, provided that the hearing date falls within a time period when the City Council is regularly scheduled to meet.

Section 3. Emergency. WHEREAS, in order to stimulate local economic growth and assist local businesses who desire to expand or relocate their businesses within the City, it is necessary and appropriate for the proposed credits against the Transportation System Development Charges to become effective as soon as possible, to benefit the economic welfare of the local community; NOW, THEREFORE, an emergency is declared to exist, and this Ordinance shall go into effect immediately upon its passage and approval.

PASSED AND ADOPTED THIS 12TH DAY OF JULY, 2010.

Voting Yes, Councilor: Wood, Spatz, Ahier, Dick, McGlothlin
Voting No, Councilor: None
Absent, Councilor: None
Abstaining, Councilor: None

AND APPROVED BY THE MAYOR THIS 12TH DAY OF JULY, 2010.


James L. Wilcox, Mayor

Attest:


Julie Krueger, MMC, City Clerk